

United States Court  
Southern District of Texas  
FILED

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

JUL 15 2020

IN THE UNITED STATES DISTRICT COURT  
FOR THE Southern DISTRICT OF TEXAS  
Houston DIVISION

David J. Bradley, Clerk of Court

Devin Paul Cole #02145549

Plaintiff's Name and ID Number

Harris County Jail/1200 Baker St.  
Place of Confinement Houston, Texas 77002CASE NO. \_\_\_\_\_  
(Clerk will assign the number)

v.

Harris County, Texas

Defendant's Name and Address

Sheriff Ed Gonzalez

Defendant's Name and Address

1200 Baker Street (Sheriff's Office)

Houston, Texas 77002

Defendant's Name and Address

(DO NOT USE "ET AL.")

\* (Request right to consult with counsel to  
modify Individual and Official Capacity Claims Against Defendants

INSTRUCTIONS - READ CAREFULLY

And to reserve right to sue for monetary damages at later date.

NOTICE: Note: To the extent this would prevent or stop me from joining the lawsuit, Russell v. Harris County, I would withdraw the request given it's mandatory. \*

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

**FILING FEE AND IN FORMA PAUPERIS (IFP)**

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

### CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

### I. PREVIOUS LAWSUITS:

A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? ☒ YES ☐ NO

B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: \_\_\_\_\_
2. Parties to previous lawsuit:  
 Plaintiff(s) can't remember  
 Defendant(s) \_\_\_\_\_
3. Court: (If federal, name the district; if state, name the county.) \_\_\_\_\_
4. Cause number: \_\_\_\_\_
5. Name of judge to whom case was assigned: \_\_\_\_\_
6. Disposition: (Was the case dismissed, appealed, still pending?) \_\_\_\_\_
7. Approximate date of disposition: \_\_\_\_\_

II. PLACE OF PRESENT CONFINEMENT: Harris County Jail - 1200 Baker

Not

Not applicable.

## III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? YES ☐ NO ☒

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

## IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Devin Paul Cole / SPN# 02145549  
Harris County Jail / 1200 Baker Street / Houston, Texas  
77002

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Harris County, Texas, et al.

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #2: Sheriff Ed Gonzalez / Harris County Sheriff's  
Office / 1200 Baker Street / Houston, Texas 77002

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #3: Judge Abigail Anastasio, 184<sup>th</sup> District Court  
1201 Franklin Street, Houston, Texas 77002

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #4:

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #5:

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

## V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

I was arrested on February 27<sup>th</sup>, 2020. At a Odonnell Bail hearing on this same day Assistant Public Defender, Ms. Zakia Carter, argued on my behalf for a Personal Recognizance No Cash Bond because I am chronically indigent and homeless. The bottom of the barrel. Poorest of the poor. Out of all of the trips through the Harris County Jail for misdemeanors and felonies I have never ever been given a Personal No Cash Bond. I always have to sit in jail, days, weeks, months and yes years, and then the only way to end it is to plead guilty - whether I am guilty or not. But, inmates who can access money can pay their way out of jail. Harris County felony Judges, just like the

VI. RELIEF: Allow me to sue Defendants in their individual and official capacities.

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

To <sup>compel</sup> immediate Injunctive Relief / Order my Release On a Personal Recognizance Bond I ssue a Temporary Restraining Order Over-Ruling Gov. Greg Abbott's Orders as Violating Clearly Established federal law and the 5<sup>th</sup>, 8<sup>th</sup> and 14<sup>th</sup> Amendments to the U.S. Constitution.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Devin Paul Cole / Only

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

# 02145549 / # 582965 / U.S. Marshal # 04451-078

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☐ NO ☒

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): \_\_\_\_\_

2. Case number: \_\_\_\_\_

3. Approximate date sanctions were imposed: \_\_\_\_\_

4. Have the sanctions been lifted or otherwise satisfied? YES ☐ NO ☐

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misdemeanor Judges in Odonnell have a unwritten "practice, policy or custom" of categorically, accross the board, complete denial of No Cash Personal Bonds for the homeless. To give me a Cash Bond of ten dollars (\$10<sup>00</sup>) wouldn't help because I don't have anything. Nothing. Not even one penny. I have no family, friends... nothing and no one. As I often state, I did not fall through the cracks (of society)... I was shoved through them."

Additionally, I go to court they offer prison time. I decline the offer then I am given a court reset of 70 days, 90 days or 120 days until my next court date. They do this until they break you and you plead guilty to something. Some sit in here 4, 5, 6 years. My court appointed lawyer does nothing but try to psychologically coerce me into pleading guilty. Court appointed lawyers and assistant district attorneys (prosecutors) and judges are all paid by the same source... the same pay checks. This is a conflict of interest.

Ms. Carter did get a \$15,000<sup>00</sup> Bail Set on 2/27 or 2/28/20. I wrote to my court, appointed attorney asking him to file a Pre-Trial Writ of Habeas Corpus Seeking a Personal No Cash Bond. He would not do it. I did it and then filed a Writ of Mandamus with the first Court of Appeals. On June 23<sup>rd</sup>, 2020, Judge Abigail Anastacio, Presiding Judge of Court #184, denied my habeas request for a PR Bond. She claims because of my record.

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I disagree because if I had \$500<sup>00</sup> to pay a professional bail bondsman I would be immediately released and Judge Angastacio would not even know. There would be no review of my criminal record. The cash payment would open the jail doors. Her decision is arbitrary caprice and fundamentally unfair. I cannot pay my way out of jail, nor can any other, indigent homeless inmate. We have not one red cent. However, inmates with access to cash can all pay their way out (Buying or renting the keys to the jailhouse doors). Ten percent of \$15,000<sup>00</sup> is \$1,500<sup>00</sup>. Bondsman will take \$500<sup>00</sup> and do a payment plan on the rest. \$500<sup>00</sup>... that's what my life's worth in Harris County, Texas.

It is only when I seek release on a no cash no money basis that a super intensive scrutiny of past wrongs in which all I have received punishment and served my time for are "re-reviewed" or "resurrected" as an excuse to deny a no cash bond. The pivotal issue is not my record which excludes ~~me~~ and forecloses my release on bail. To the contrary it is my utter and total inability to access cash that prevents my release on bail. Cash buys your way out of jail without (completely without) your trial court judge's super intensive scrutiny of your criminal record or any other factors for that matter. In fact cash paid directly to a professional bail bondsman inevitably as is often the case facilitates your release

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in the middle of the night, early in the morning, on the weekends and holidays when the trial judge is not even in court but instead is off, at home or at her leisure "off work" without communication with the court and jail. Bondsman do not consult with your judge prior to your cash bail-bond being posted. Once you've paid for your release the issue is only paper work between the professional bail bondsman and sheriff's department personnel. The judge is not notified when you are released. She does not even know you are released. More than likely as long as you appear at your court dates the judge will probably not pay attention, notice or care if you are on bond given you have not engaged in any violation of the conditions of your release or new criminal activity. Additionally, I'm certain that professional bail bondsman would not want a hearing before the trial court judge so she can re-weigh her thoughts about your criminal record before his bail bond could be processed by the sheriff's department and his client/customer of the bail-bond industry is allowed a full and clear release through the jailhouse door. None of that is required unless you have no-cash, you are chronically indigent and you are homeless. Certainly the homeless inmates could be a major contributor of injecting real discriminatory, arbitrary and caprice substance into the sparse record. Ironically, enough my Criminal Trespass videos were in the discovery evidence in the Maranda Lynn Oconnell case and I was a

"interested party and prospective plaintiff" as this court stated.

I am a felony arrestee, pretrial detainee, not yet convicted, and brought to a jury trial in which I have requested, of a crime, and I am being detained prior to trial, pending, for an indefinite period of time well over 90 days and the state is not ready for trial by jury because I am too poor to afford to post any financial bond while those other inmates confined in the Harris County Jail presenting the same kind and degree of risk factors, and even much, much more serious extremely violent offenses with evidence of a death or serious bodily injury to someone, but who were able to pay are routinely promptly released.

One Law School in St. Louis Missouri referred to the Harris County Criminal Justice Center as the Harris County Plea Mill because of the extremely high and excessive number of guilty pleas entered in one day, sometimes 1,000 or more. Most from indigent defendants with court appointed lawyers.

There is over 80,000 criminal trials pending on the over-crowded dockets of Harris County Criminal State District Courts. The average wait for a jury trial was 2 (two) years. With (COVID-19) Corona-



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virus the wait is now 3 (three) years or more. Prosecutors bank on that to exact punishment without ever providing a fair trial and effective counsel. In Harris County they have a pre-trial motion hearing, (if your court appointed lawyer has even filed any which in most cases he has not if he's court appointed), voir dire / jury selection (with you in orange county jail clothes) and the trials first day all at one time in one day. We inmates in the jail are also hearing that prosecutors are telling us they can put us on trial with only 6 (six) jurors instead of 12 (twelve) now and through television flat-screen video conference. If they try that with me I will refuse. They will have to drag me by excessive force. All of this while the rich and wealthy pay ~~there~~ their hefty high dollar lawyers to magically make their cases disappear. Poverty populates the prisons and jails of this state and country.

Governor Greg Abbott's orders nullifying parts of the Texas Code of Criminal Procedure and the Texas Government Code dealing with county jail time credits and release of indigent detainees on personal recognizance bonds violate the Separation of Powers of Texas Government. The Texas Legislatures Representatives and Senators are the only branch of Texas Government that can change laws. Thus they are called "lawmakers." Obviously, neither

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Greg Abbot (who is in a constant state of confusion) nor President Trump (who is in a constant state of denial about what news is real and what is, in his words "fake news") know exactly what to do and how to do it as they sit in their sanitized ivory towers and attempt to study the general public as "guinea pigs" or "lab rats." Well as long as there are no more than one million deaths everyone can go back to work and pay taxes. With the exception of the dead and they don't complain very loud conveniently for Abbott and Trump.

## (State Created Danger Theory)

The State through Greg Abbott, Kim Ogg, Herb Ritchie Abigail Anastacio and others whose names are unknown have <sup>created</sup> a Pyramid State Created Danger by blocking and stopping the release of inmates from the Harris County Jail on personal recognizance bonds because of a prior violent offense (although you served 100% of your punishment for it day for day) and effectively handcuffed the judges hands, handcuffed the State Constitution, handcuffed the Federal Constitution, indefinitely suspending, resetting or putting off trials while the (COVID-19) Coronavirus mutates to a stronger strain and infections, hospitalizations and deaths increase dramatically to record levels, where I am stuck in here with no possible way out to die of a

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disease that knows no bounds, has ravaged the entire world making a mockery of mankind's biological, scientific medical accomplishments, leaving the smartest doctors baffled which is best described in the Original King James Version Bible "they shall die by the sword, by the famine and by the pestilence..." Jeremiah 42:17 and in Revelations in the end of time "disease and pestilence shall ravage the earth" (COVID-19) Coronavirus has to be part of this biblical prophecy. What else could it be? Where did it come from and why?

Only God Knows the real answers to these questions. Pestilence is the one word I believe best describes COVID-19. My dictionary defines pestilence as "a destructive infectious swiftly spreading disease", esp BUBONIC PLAGUE and Pestilential DEADLY."

Given these factors how is it that Greg Abbott can continually downplay and minimize the deadly wrath of this disease upon mankind accross the entire globe? Only a fool would do such a thing.

[Homeless Lives Matter. Inmates Lives Matter.]  
Are we not created equal with certain inalienable rights?

Will this Federal Court allow Greg Abbott to handcuff and nullify indefinitely the Constitution of the United States of America? He has effectively done just that with respect to myself and other inmates for more than 90 days now. How much longer will this Court allow

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such a miscarriage of justice? Abbott has taken the Original paper U.S. Const. Bill of Rights and run it through his shredder and not one Federal Judge has stopped him. Why?

( Statistical Numerical Factors  
Warranting Immediate Federal Action )

Numbers do not lie and consistently and precisely tell the truth. This Court needs to Subpoena all inmate medical records of all inmates at all three jails 701, 1200 and JPC" to determine exactly how many inmates have died and how many or critically ill at hospitals - Ben Taub and L.B.J. and how many have tested positive. "

What the Russell Court Knew on April 14<sup>th</sup>, 2020.

" As of April 13<sup>th</sup>, 2020, 50 jail detainees and 71 Harris County Sheriff's Office staff members had tested positive for (COVID-19). "

The record now is not so sparse or conflicting.

" As of June 25<sup>th</sup>, 2020, 72 days later the numbers tell a new story. Now, 1,027 inmates and 336 jail staff have tested positive for COVID-19 Coronavirus

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and at least 3 inmates have died that we know of from the news and Houston Chronicle Reporter Gabrielle Banks. It is my belief that jail medical staff, Ben Taub personnel, L.B.J. personnel and the Sheriff and D.A. Kim Ogg may be withholding information about additional inmate deaths because why would COVID-19 deaths increase everywhere in the world, United States, Texas, Harris County, Houston and "not" the Harris County Jail. That is not logical and warrants Subpoena Federal Court Intervention.

As of July 5<sup>th</sup>, 2020 there have been 2,625 deaths in Texas; 129,672 deaths in the United States; 35,913 cases in Harris County; 194,179 cases in Texas and a whopping 2,838,678 confirmed cases in the United States.

How many more inmates will die needlessly before someone does something? Or is 3 not enough? Do we have a numerical quota that states a federal court cannot intervene until at least 100 (one-hundred) inmates die of (COVID-19) Coronavirus.

What about the 3 dead inmates due process and equal protection rights under the Federal Constitution? How will their rights ever be vindicated? Were they in jail because they were too poor to pay the bail premium?

I have been kept in the densely packed Harris County Jail for 129 days now. I cannot afford bail. I am incurring the costs of prolonged pretrial detention... a greater likelihood



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of pleading guilty and a much higher chance of receiving a harsher sentence.

On June 30<sup>th</sup> myself and everyone in this tank was tested for (COVID-19) Coronavirus. There is approximately 54 inmates inside this tank. The results should be in by now.

( High Risk Factors  
Health and Medical Problems  
" Immunocompromised "

When I was 14 I was infected with Hepatitis C. I am now 55 years old (actually in 8 days / 7-13-1965 D.O.B) I have experienced a significant amount of Liver Damage. My immune system is not what it should be coupled with my age I am amazed daily that I have not contracted (COVID-19) Coronavirus. Not to mention the anxiety, stress and apprehension that goes along with facing a criminal prosecution I have the additional stress of wondering each day will I catch this disease, start running fever, etc., etc. Will I die in here? One of the inmates that died was 55. That was around May 7<sup>th</sup>, 2020. Ever since then I have been extremely worried about the disease. Additionally I have Thyroid Gland Disease, High Blood Pressure, previous Heat Exhaustion / Heat Stroke, Walking Pneumonia and history of Upper Respiratory Infections and Strep Throat. Has-

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pital Records from UTMB-John Sealy Hospital Galveston and St. Lukes, Ben Taub @ Texas Medical Center will verify these facts including Jail Medical Records here at the jail. I also have a history of Tachycardias and Seizure Disorder. I take about 370 mg's of Phenobarbital (Narcotic Seizure Medicine), Effexor & Elavil for Depression. I've had 2 Hernia Operations. I have a broken finger from a slip & fall in the jail exiting shower. I have lower back Spondylolythosis L-4, L-5 significant back pain. I tire easy and run out of breath easy.

I have only been convicted of one assault charge. Was given 3 Years TDC. Served all 3 years day for day entire sentence from October 20<sup>th</sup>, 2016 to October 18<sup>th</sup>, 2019. Released Huntsville. Came back to Houston same day. Since my release the District Attorney cannot produce one thin thread of evidence that I have harmed anyone in anyway because I haven't. I really and truly am innocent. The only thing I've harmed is two car tires. I poked holes in them with a knife. The manager of the restaurant reported it on 2 911 Calls which were both dispatched as misdemeanor criminal mischief. The complainant never said anything else. Police intentionally over-charged me because I'm homeless and I have a record so they did it to keep me in jail longer. It's something they do often to a lot of people. Kim Ogg just filed charges against a half a dozen dirty

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Houston Police Officers who killed two innocent people and "falsified," fabricated and manufactured perjured police offense reports," against over 100 people. We know for a fact that this is a practice, policy and custom used by Houston Police Officers and I declare and swear to you now that this has occurred with my case. I am innocent of aggravated assault with a deadly weapon a knife. The only thing I assaulted was two car tires, neither of which belonged to the complainant.

How does someone commit a aggravated assault with a knife against a person and there are absolutely "zero" no bodily injuries of any kind whatsoever. No words exchanged. No medical reports. No 911 Ambulance or Fire Department Paramedics called to the scene. Why because no aggravated assault ever occurred. When HPD ran my ID information and saw my previous charge of Aggravated Assault I had just served time in prison for. The first and only assault case I've ever had in my life which occurred at age 51. That fact is worth noting I lived on this earth half a century and never was charged with or convicted of so much as a misdemeanor assault. I think that's commendable. Police officers kill innocent people every day and they do not serve one day in jail. Within the last 30 days 60,000 citizens marched right past the Federal Courthouse in front of the old Houston City Hall protesting for the exact same reasons I am stating herein. Did

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it ever occur to you that I am telling you the truth? Or do you even care because I'm not as good as you. I'm a dirty old homeless man. I have no ivory tower to judge the world from.

One HPD officer just charged with child molestation Given bond immediately. I've never had a sexually related charge in my life and never will. He's no threat to the public right? He's a pedophile a child molester but he gets bail. His case will probably mysteriously disappear.

Senator John Cornyn just stated in the July 6<sup>th</sup> 2020 Houston Chronicle that there has been no "Criminal Justice System Reform since Lyndon B. Johnson was president." My God I was born in 1965. So since my birth were still operating under the same criminal justice system. And Ken Paxton Greg Abbott's lead attorney is still "obstructing and buying justice" with respect to criminal charges against him. Isn't that something. And our leader Donald Trump if I could just here him repeat Richard Nixon's infamous words one time, "... I am not a crook."

Today in Baltimore, Maryland, District of Columbia the public, your next door neighbor, not pretrial releasees on P.R. Bonds just toppled and tore down a large Statute of Christopher Columbus. Releasees from jail are not a threat to the public at all. To the contrary it's your next door neighbor, other law abiding (until now)

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\*(Skip - N-omitted)  
by error.

citizen's who are fed up with the "good old boy, elitist racist system where we are governed by wealthy criminals whom control the federal and state government," How many of our supposed founding fathers, presidents who occupied the same White House Trump lives in owned slaves? How many? Tell the truth. Does your conscious bother you?

The first prison I was sent to at age 21 in Texas was the Central Unit in Sugarland, Texas. I was always curious about the name Sugarland and the age of the old prison. I often would wonder what had occurred there years before, when it first was built and opened. Today, 34 years later I learned, what those some times eerie feelings and thoughts were. The ghost of former black prison inmate slaves that the State of Texas rented to white people to pick cotton and vegetables and perform the ground breaking hard labor required to build the original Imperial Sugar Company. A Houston Chronicle article in today's paper July 6<sup>th</sup>, 2020 (Monday) showed real pictures and a factual account that there are 95 Texas Inmate black rented slaves skeletal remains buried at or near the prison. What kind of due process - equal protection rights did they have under the federal constitution in 1908? And this is the same State Prison - IDC that Abbott controls. I did not know irony could be haunting and ghostly eerie. I bet old court record will still reflect that



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they all had a fair trial by an impartial jury. Yet skeletons confirm that once they were sent to prison they never left and that Texas Prison Officials buried them there. A prolonged and brutal, cruel and unusual death sentence and penalty. What about their rights?

Emancipation Proclamation and the 14<sup>th</sup> Amendment were clearly established federal law 20 years prior to 1908. Were they not?

I am white, but as society, white society sees me nothing more than "poor white trash... worse than any race." I'm right there, as I often tell people out there, "the area between the bottom of large green garbage dumpsters and the concrete they sit on." That's what I am to you government rich people... The scum of the earth... poor homeless white trash. This country's history (facts mind you) I find to be extremely disturbing and nauseous. In other words a truthful and honest look at the wealthy and powerful in this country and this country's history makes me want to vomit. It's disgusting and inexcusable. No wonder black people are angry. They should be. Official Oppression is what this country is built on. TDC still makes inmates work in the fields picking cotton and vegetables. Most of them had court appointed lawyers and could not afford bail.

The District Attorney Kim Ogg and her Assistants in Court 184 will not produce and review the 911 Call's the com-

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plainant made regarding the day of my arrest because it shows that all he complained of was misdemeanor vandalism. Homeless man popping car tires in my parking lot. Come and get him before he gets away.

They also are withholding the Body Cams, Dash Cams and parking lot surveillance video and denying me a pre-trial in camera evidentiary hearing of the above which would conclusively prove I am innocent of Aggravated Assault. I am no threat to the public or anyone else. I do not know the complainant. Never saw him in my life until the day I was arrested. I have no reason whatsoever to be angry with him. I wish him no harm. I would not harm anyone if released. I just spent 3 years in prison you think I'm crazy. I would never do that again even if someone assaulted me first.

I deserve a Personal Recognizance Bond there's no factual basis to support a public threat or risk. Last time they had the HPD Body Cam 5 days after my arrest because it incriminated me and was good for the State prosecutors. This time they will not produce them for nearly 130 days now. If the most cursory innocence review was given they would dismiss the case I'm sure.

Please see Plaintiff's Exhibits A-1 and A-2, Houston Chronicle Article by Gabrielle Banks entitled, "Judge makes courageous move in bail case... Intervening in a federal lawsuit, Silverman says the system is unfair to minor-

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ities, poor..." State District Judge Chuck Silverman of the 183<sup>rd</sup> Criminal Court filed paperwork Wednesday to intervene in the 2019 federal civil rights lawsuit brought on behalf of poor defendants stuck at the jail. Fellow jurist Brian Warren, of the 209<sup>th</sup> Criminal Court, said he planned to file his own motion to join the case... stating wants to revize how personal recognizance bonds work and make the cash bail system obsolete... He sought to intervene to ensure equal protection and due process rights are fairly administered."

Silverman said, "We need systemic change in the cash bail system because it disproportionately affects minorities and the poor," he said. "The time to do something proactive was now." I agree.

The unopposed motion argues that cash bail discriminates against people who can't access funds, often forcing them to settle for guilty pleas rather than await trial in lockup. I totally agree and will testify that this is true and correct. I call it "constructive coercion" with steel bars and cement walls. My judge is in Court 184, right next door to Silverman's 183<sup>rd</sup>.

Attorney Neal Manne said, "Any state judge looking in good faith at the cash bail situation in the felony courts in Harris County can see that the system is broken and requires reform," Manne said he is "delighted that Judge Silverman has acknowledged that the current situation violates the

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rights of poor people."

Neal Manne argued, "that during the pandemic, bail was a life or death question." We now have 3 dead Harris County Jail inmates to prove that is correct and true.

Silverman said, "the threat of COVID-19 and the recent demonstrations over racial injustice were the backdrop as he finalized his court documents."

Reporter Banks went on to say, "The county jail has been hard hit by the coronavirus, with 1,027 inmates and 336 jail staff testing positive. A series of conflicting orders from officials sought to mitigate a public health crisis. Since then, the jail population has crept back up."

I wonder why the 3 inmate deaths were not reported in this article or have government officials pressured the reporters to remain silent about the inmate deaths now?

See also Plaintiff's Exhibit - B - attached - First Court of Appeals Order refusing to help me... implying it's O.K. if I die of Coronavirus in jail. State court filings are futile. We need Federal Court Intervention - NOW.

I move the Court to Subpoena Autopsy's and Death Certificates of all inmates whom have died within the entire Harris County Jail System since March 1<sup>st</sup> of 2020, including the 3 they admit to, for this Court to Order a Federal Inspector General, to be able to enter the jail and have

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unlimited access to inmates, inmates medical records and for attorneys to Propound Interrogatories and Request for Depositions and Admissions from the 3 Top Doctors over the Jail Inmate Medical Department, regarding Coronavirus (COVID-19) Inmate Deaths, Seriously Ill Cases @ local Hospitals - Ben Taub and L.B.J. and the positivity record sworn to and notarized as true and correct.

How many more inmates have to die "wantonly and willfully and be condemned to suffer needlessly and unnecessarily because they are poor and homeless?"

Please see Exhibit - Plaintiff's Exhibit - C attached Copy of Criminal Record from District Clerk Marilyn Burgess.

The 4 - Criminal Trespass Cases highlighted were reviewed television recorded Gerstein Hearings as part of the Discovery reviewed in Maranda Lynn O'Donnell vs. Harris County, Texas, in Judge Lee Rosenthal's Court. Judge Rosenthal denied every single motion I filed attempting to become a Plaintiff in the O'Donnell Case. The grounds and constitutional issues raised in O'Donnell are for the most part identical to the issues faced within this case with the exception of the "Death Sentence without Trial Factor" raised by the pestilential and hideous (COVID-19) Coronavirus which at this point has independently turned the world upside down and inside out baffling the world's most intelligent medical doctors at the



# Statement of Claim Continued Attached Page

Texas Medical Center in Houston which is the best in the world.

## (Relief Requested)

Plaintiff's Motion to join Plaintiff's Dwight Russell, Johnnie Pierson and Joseph Ortuno as a co-plaintiff in Dwight Russell, et al., Plaintiff's, VS. Harris County, Texas et al., Defendants; Civil Action No. H-19-226; April 14<sup>th</sup>, 2020 Filed & Decided; Copy Citation Russell vs. Harris County, 2020 U.S. Dist. Lexis 64989, the relief I am seeking is the same with the exception that I move the Court by Motion to Compel Injunctive Relief in the form of an Injunction because "COVID-19 continues to raise and change the stakes..." and "I am a legitimate and bonafide stakeholder." Citing Russell, *id* and Maranda Lynn Odonnell v. Harris County, No. H-16-1414 (S.D. Tex. 2016) also citing Odonnell v. Goodhart, 900 F.3d 220, 225 (5<sup>th</sup> Cir. 2018).

I am requesting the Granting of a Motion to Compel a Temporary Restraining Order (TRO) to order the Sheriff of Harris County, Ed Gonzalez based upon the facts I've raised herein, instantter, before others die in jail needlessly, because they are poor and homeless.

One Sheriff's Deputy has also died of Coronavirus (COVID-19) since April 14<sup>th</sup>, 2020.

Judge Keith Ellison said an injunction on a civil rights lawsuit brought by TDCJ Pack 4 inmates will move

# Relief Requested Argument

forward in July and he will deny further continuances because accross the prison system 72 people are presumed to have died of COVID-19 and verification of another 33 deaths is pending.

For this sister court within the same Bob Casey United States Courthouse to order extraordinary relief through an injunction or temporary restraining order for state prisoners, many from Harris County and for Judge Rosenthal to stall or deny this same extraordinary relief for county jail pre-trial detainees who are to be afforded the presumption of innocence violates equal protection and due process.

Judge Ellison said, "This is not an ordinary case. Lives are being lost," the judge said. "This is a highly unusual case. I think we all believe our goal is what's best for these inmates."

See Plaintiff's Exhibit's D and E - Houston Chronicle Articles by Reporter Gabrielle Banks.

It is unconstitutional to jail poor people before trial simply because they cannot afford bail. Citing the 5<sup>th</sup>, 8<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution and Gerstein v. Pugh, 5.Ct.(1975). Clearly established federal law. "Executed and Signed on July 4<sup>th</sup>, 2020." p.4-V Dustin P. Cole

C. Has any court ever warned or notified you that sanctions could be imposed? \_\_\_\_\_ YES ☒ NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): \_\_\_\_\_

2. Case number: \_\_\_\_\_

3. Approximate date warning was issued: \_\_\_\_\_

Executed on:

7/4/20  
DATE

7-4-20

Devin Paul Cole  
Devin Paul Cole  
(Signature of Plaintiff)

#### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this

4<sup>th</sup>  
(Day)

day of

July  
(month)

, 20

20  
(year)

Devin Paul Cole  
Devin Paul Cole  
(Signature of Plaintiff)

**WARNING! Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.**